



MBZ/JAC: USAO 2011R00530

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2012 FEB 17 P 2:51

UNITED STATES OF AMERICA

v.

GREGORY ROGER PENK,

Defendant

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CRIMINAL NO. **AW 12 CR0081**
(Disclosing Contractor Bid, Proposal
Information, or Source Selection
Information, 41 U.S.C. § 2102(a)(1))

INFORMATION

COUNT ONE

The United States Attorney for the District of Maryland charges that:

Introduction

At times relevant to this Information:

1. From June 16, 1969, until July 2, 2011, the defendant, **GREGORY ROGER PENK ("PENK")** was employed by the United States Navy at a location in St. Inigoes, St. Mary's County, Maryland.
2. Beginning in 2001, defendant **PENK** served as the Division Director for the Identification Systems Division. Defendant **PENK** also was a member of the Source Selection Committee for Naval Air Warfare Center - Aircraft Division ("NAWCAD") request for proposal N00024-10-R-3106, which was the follow-on for contract N00421-06-C-0002. As a member of the Source Selection Committee, defendant **PENK** was responsible for advising the United States with respect to a federal agency procurement and had access to contractor bid, proposal information, and source selection information.

3. On or about June 30, 2010, the Navy solicited bids for a new NAWCAD contract as part of a competitive procurement process. As the Contracting Officer's Representative, defendant **PENK** was responsible for assisting the Contracting Officer with program specific funding, performance, and technical issues. Booz Allen Hamilton ("BAH") and National Technologies Associates ("NTA") were among the companies that bid on the new contract.

4. On or about March 2, 2011, defendant **PENK** told a BAH employee that the cost difference between BAH's bid and the competitor's bid was "quite significant" and disclosed specific bid information, including the fact that BAH's bid was \$7.5 million higher than a competitor's bid.

The Charge

4. On or about March 2, 2011, in the District of Maryland and elsewhere, the defendant,

GREGORY ROGER PENK,

a present official of the Federal Government; who by virtue of that office and employment had access to contractor bid or proposal information or source selection information, except as provided by law did knowingly disclose contractor bid and proposal information and source selection information before the award of a Federal agency procurement contract to which the information relates.

41 U.S.C. § 2102(a)(1)

Rod J. Rosenstein /mg
Rod J. Rosenstein
United States Attorney

Dated: February 17, 2012